

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Roderick Walker,

Plaintiff,

Case No. 14-cv-11017

Hon. Judith E. Levy

v.

Mag. Judge Elizabeth A. Stafford

Ramesh Kilaru, *et al.*,

Defendants.

**OPINION & ORDER ADOPTING REPORT &
RECOMMENDATION [33] AND GRANTING DEFENDANT
KILARU’S MOTION TO DISMISS [26] AND DEFENDANT
STIEVE’S MOTION FOR SUMMARY JUDGMENT [11]**

Plaintiff Roderick Walker is a Michigan Department of Corrections (“MDOC”) inmate housed at the Thumb Correctional Facility in Lapeer, Michigan. On March 10, 2014, he filed this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, alleging violation of his Eighth Amendment right to be free from cruel and unusual punishment. Plaintiff alleges that that Drs. Kilaru and Stieve were deliberately indifferent to his serious medical needs based on failure to review medical records or order new testing before diagnosing him with

myalgia rather than radiculopathy from degenerative disc disease, and when they stopped his Ultram prescription.

This matter is before the Court on Magistrate Judge Stafford's February 5, 2015 Report and Recommendation. (Dkt. 33.) The Magistrate Judge recommends granting Dr. Kilaru's motion to dismiss (Dkt. 26) and Dr. Stieve's motion for summary judgment. (Dkt. 11.)

No party has filed objections to the Report and Recommendation, and the time for doing so has expired. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). The failure to object to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). The failure to object also relieves this Court from its duty to review this matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nonetheless thoroughly reviewed the Report and Recommendation, defendants' motions, and the record as a whole, and agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, the Magistrate Judge's Report & Recommendation is
ADOPTED;

Dr. Kilaru's motion to dismiss (Dkt. 25) is GRANTED;

Dr. Stieve's motion for summary judgment (Dkt. 11) is GRANTED; and

This case is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: March 2, 2015
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 2, 2015.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager